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JOSEPH JINGOLI & SON, INC.

Contractors * Construction Managers

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To: Federal Communications Commission

From: Damien J. Doguet

Fax: (202) 418-0187

Pages: 6 including fax cover

Phone: N/A

Date: April 6, 2007

Re: Request for Review

CC: 28811 file

CC Docket No. 02-6

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

To Whom It May Concern:

Attached is a "Request for Review" of a USAC decision on appeal of our FY2006 Form 471 Application No. 522146 for the Vineland Community Demonstration School.

I've also attached the USAC "Administrator's Decision on Appeal - Funding Year 2006-2007" letter dated 2/16/07 for your reference.

Should you have any questions, please contact me immediately at (609) 896-3111 ext. 130.

Thank You.

Damien J. Doguet

MEP Project Manager

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FAX COVER SHEET

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April 6, 2007

Federal Communications Commission

Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Request for Review
CC Docket No. 02-6 and 96-45
Vineland Community Demonstration School (Form 471 Application No.: 522146)

To Whom It May Concern:

Joseph Jingoli & Son, Inc. (JJS), the Billed Entity (Billed Entity No.: 16027158) for the above Form 471 Application, respectfully requests the Federal Communications Commission to review a decision on appeal made by the Universal Service Administrative Company (USAC) as documented in the following letter:

Administrator's Decision on Appeal Letter
Funding Year 2006: 7/1/2006 - 6/30/2007
February 16, 2007
Funding Request Number(s): 1437508
Decision on Appeal: Denied

Explanation of the Appeal

We are appealing the USAC "Administrator's Decision on Appeal - Funding Year 2006-2007" dated February 16, 2007 because as applicant, Joseph Jingoli & Son, Inc. expects full due process extended by the USAC to review our Form 471 Application (No. 521146), especially as the information crossed in the mail and denial was issued before receipt of the Item 21 Attachment. Without further consideration of this application, the Vineland School District and the children of Vineland will not have the opportunity to receive E-Rate discounts for eligible "Network Electronics" for their new Vineland Community Demonstration School project. JJS believes this appeal is reasonable and should be granted for the following reasons:

1. JJS categorically disagrees with the USAC's position that our project team "failed to respond to the PIA inquiries in a timely manner." According to the referenced appeal letter attached herewith, the PIA made initial contact with JJS on 10/24/06 - more than eight (8) months after the original Form 471 Application date of 2/14/06. Despite the long delay, JJS made every effort to respond to all of the USAC's comments, and did so in our letter dated 11/17/06 with the exception of the Item 21 Attachment. Furthermore, our 11/17/06 letter notified the USAC that the Item 21 Attachment was forthcoming. JJS e-mailed the Item 21 Attachment "Vineland_2006" to the USAC on 12/7/06, just seven (7) weeks after receiving the USAC's request.

For the record, the E-Rate Vendor required by the USAC and thus to be engaged at the process front end was non-responsive due to negotiations for the sale of the company, which have since been concluded.

Request for Review
Re: CC Docket No. 02-6 and 96-45
April 6, 2007
Page 2

2. **The fact that the USAC's Decision Letter predates the delivery of a very detailed** Item 21 Attachment by just two (2) days does not justify denial of our application. It is inconceivable how the USAC can take over eight (8) months to perform their review, yet reject our application over a two-day delay.

The above comments are based on the technical operational issues of the matter, and simply demonstrate that Joseph Jigoli & Son, Inc. made a straightforward and exhaustive effort to comply with the USAC's requests. JJS has allocated considerable resources in an effort to secure E-Rate funding for this new Demonstration School project. Since February of 2005, JJS has exchanged many letters, faxes, and e-mails with the USAC to help them evaluate the validity of our applications, all of which were submitted on behalf of the Vineland School District, one of the thirty-one (31) Abbott districts in the State of New Jersey. These Abbott school districts are defined by the New Jersey Supreme Court and are implemented under NJ P.L. 2000, Chapter 72 as the most economically deprived and educationally disadvantaged districts in the state.

The Schools and Libraries Program or E-Rate was started to assist our nation's poor but deserving communities in obtaining telecommunications and internet services. Your approval of our appeal will allow us all to bring the benefits of this wonderful program to these deserving children. JJS doesn't expect the Federal Communications Commission (FCC) to accept our application without performing its due diligence - we're just asking for a little reasonableness.

Should you have any questions, please do not hesitate to call or e-mail me immediately. I can be reached at (609) 8963111, ext. 130, and my e-mail address is ddoguet@jigoli.com.

Very truly yours,



Damien J. Doguet
MEP Project Manager

DJD/dd

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Cc: Peter McGlinchy
Dennis Mockaitis
Jeff Winter
Charlie Weaver
Jerry Harlackner
Ben Ashcom
26811 file



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2006-2007

February 16, 2007

Damien J. Doguet
Joseph Jingoli and Son, Inc.
3131 Princeton Pike, Building #4, Suite 214
Lawrenceville, NJ 08648

Re: Applicant Name: JOSEPH JINGOLI AND SON
Billed Entity Number: 16027158
Form 471 Application Number: 522146
Funding Request Number(s): 1437508
Your Correspondence Dated: January 30, 2007

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1437508
Decision on Appeal: Denied
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, USAC has determined that Joseph Jingoli and Son failed to respond to the Program Integrity Assurance (PIA) inquiries in a timely manner. PIA made initial contact with you on October 24, 2006, via e-mail and fax and asked for 1) Notification of possible errors, 2) Entity validation for Vineland Community Demonstration School, 3) Item 21 documentation and 4) Discount validation for Vineland Community Demonstration School. You were instructed that the request was time sensitive and that a response was expected within fifteen calendar days. The record shows that on November 03, 2006, PIA contacted and reminded you that the requested documentation due date was November 09, 2006. On November 07, 2006 you requested and were granted an extension to November 17, 2006. Your response received on November 17, 2006 was incomplete as it did not

include the Item 21 documentation. The ~~item~~ 21 documentation ~~was~~ later received on December 07, 2006, which is after the Funding Commitment Decision Letter dated December 05, 2006. As this information was not forthcoming, USAC was unable to determine if your funding request was in compliance with Program Rules. Therefore, the funding request was denied. On appeal, you ~~have failed to~~ provide any evidence that USAC erred in its initial determination or that you responded to USAC's requests for additional documentation in a timely manner. Consequently, your appeal is denied.

- USAC reviews Form 471 applications and makes Funding commitment decisions in compliance with FCC rules. See 47 C.F.R. sec. 54.500 et. seq. To conduct these reviews, USAC has put in place administrative measures to ensure the prompt resolution of applications. If applicants do not respond within the designated time period, USAC reviews the application based on the information before it. See Request for Review by Marshall County School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, 18 FCC Rcd. 4520, 4522, Order, DA 03-764 para. 6 (rel. Mar. 13, 2003). (Marshall County) Typically applicants are required to respond to USAC's requests for additional information necessary to complete their application within 15 days of being contacted. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, CC Docket No. 02-6, Order, FCC 06-54 para. 23 (rel. May 19, 2006). Id.; SLD section of the USAC website, Reference Area, "Deadline for Information Requests," www.usac.org/sl. This procedure is necessary to prevent undue delays during the application review process.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: PCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company